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May 15, 2012

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES  
#24 OF MAY 15, 2012

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Agenda No. 9  
04/26/11

**Re: PROJECT NUMBER R2006-03643-(4)  
COASTAL DEVELOPMENT PERMIT NUMBER 2006-00006-(4)  
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing regarding the above-referenced permit, to authorize the construction and maintenance of a 1.46-acre public wetland and upland park, and a 28-foot-wide public waterfront pedestrian promenade, on the southern portion of the 3.66-acre Parcel 9 in Marina del Rey. At the conclusion of the hearing, you indicated an intent to approve the permits and instructed our office to prepare findings and conditions for your approval. Enclosed are findings and conditions for your consideration.

Very truly yours,

JOHN F. KRATTLI  
Acting County Counsel

By

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Enclosures

JMN:gl

HOA.878395.1

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
PROJECT NUMBER R2006-03643-(4)  
COASTAL DEVELOPMENT PERMIT NUMBER 2006-00006-(4)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Coastal Development Permit Case No. 2006-00006-(4) ("CDP") on April 26, 2011. The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the CDP on October 29, 2008, November 5, 2008, August 12, 2009, October 14, 2009, February 3, 2010, and March 10, 2010.
2. The permittee, the County Department of Beaches & Harbors ("DBH"), requests the CDP to authorize the construction and maintenance of a 1.46-acre public wetland and upland park ("Wetland Park"), located on the southern portion of the 3.66-acre parcel 9 ("Parcel 9") in the unincorporated community of Marina del Rey ("Marina") (the "Project"). The permittee also seeks authorization for the construction of a 28-foot-wide waterfront pedestrian promenade along the Parcel 9 bulkhead.
3. This matter was heard concurrently by the Commission and the Board with the following projects: (a) Project No. R2006-03647-(4), to authorize the demolition of an existing 136-unit apartment complex and appurtenant facilities, and the construction of a 400-unit apartment complex and appurtenant facilities, on Parcel 10 in the Marina ("400-unit Apartment Project"); (b) Project No. R2006-03652-(4), to authorize the demolition of an existing 206-space public parking lot and the construction of a 126-unit apartment complex and appurtenant facilities on Parcel 14 in the Marina ("126-unit Apartment Project") and (c) Project No. TR067861-(4), to authorize the construction of a 288-room hotel and a six-level parking structure on the northern portion of Parcel 9 ("Hotel Project").
4. Parcel 9 is located in the Playa del Rey Zoned District at the northeast corner of the intersection of Via Marina and Tahiti Way in the Marina. The Project site is fronted by Via Marina to the west; Tahiti Way to the south; Parcel 10 to the north; and Parcel 8 to the east.
5. The Project site is located on predominately level terrain in a highly urbanized area devoted primarily to multi-family residential and recreational boating uses.
6. The site is zoned "Specific Plan" within the Marina del Rey Local Coastal Program ("LCP"), and has the land use designations of "Hotel - Waterfont Overlay Zone ("WOZ")" for the northern approximate 2.2 acres of Parcel 9, and "Open Space-WOZ" for the southern approximate 1.46 acres of Parcel 9.

7. The surrounding zoning includes:  
  
North: Residential V (WOZ);  
South: Residential V (WOZ);  
East: Residential III (WOZ) and Water; and  
West: City of Los Angeles zoning.
8. Surrounding land uses include:  
  
North: Multi-family residential;  
South: Multi-family residential;  
East: Multi-family residential and private anchorage; and  
West: Multi-family residential.
9. Parcel 9 is currently vacant and a chain link surrounds the parcel's perimeter. Except for a small waterfront sidewalk next to the parcel's bulkhead, the parcel has no public access. A small, man-made depression and exposed foundation piles are present on the southern portion of the parcel, which are remnants from an abandoned hotel project in the early 1980s. Seasonally, water ponds are created in limited areas of the southern portion of the depression, and an area of disturbed willow scrub occupies an upland berm on the southern edge of the on-site wetland. Portions of the depression meet the minimum criteria for a wetland designation under federal and State law and are thus subject to regulation by the United States Army Corps of Engineers, the California Regional Water Quality Control Board, and the California Coastal Commission.
10. Prior to the Commission's public hearing on the Project, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, *et seq.*) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, Regional Planning determined that an Environmental Impact Report ("EIR") was the appropriate environmental document for the Project.
11. The County elected to oversee the preparation of a single, comprehensive EIR to evaluate the potential project-specific environmental impacts of this Project, as well as the potential cumulative environmental impacts of this Project, including the construction of a public "transient" boat anchorage adjacent to the Wetland Park, the 400-unit Apartment Project, the 126-unit Apartment Project, and the Hotel Project. The County prepared a draft EIR ("Draft EIR") which evaluated the potential project-specific and cumulative environmental impacts of all such projects
12. The Commission held a duly-noticed public hearing on the Project on October 29, 2008, November 5, 2008, August 12, 2009, October 14, 2009, February 3, 2010, and March 10, 2010, where the August 12, 2009 session was held at Burton Chace Park in the Marina. The Commission also conducted a site visit of

Parcel 9 and adjoining parcels on August 8, 2009, and concluded the site visit with a boat tour, viewing the site and adjacent parcels from the harbor.

13. Prior to the November 5, 2008, continued public hearing for the Project, Regional Planning staff determined that the Draft EIR should be updated and recirculated to address potential cumulative impacts related to the proposed City of Los Angeles dual force main alignment project and the County Department of Public Works' ("Public Works") sewer upgrades in the Marina. A revised draft environmental impact report ("Revised Draft EIR") was prepared and recirculated to the involved agencies and the public.
14. At the various public hearing sessions on the Project, the testimony primarily concerned the other projects heard concurrently with the Wetland Park. However, the Commission did hear testimony and receive written correspondence concerning the Wetland Park, where Project opponents asserted a number of allegations, including claims that: (a) Parcel 9 is entirely a wetland ecosystem and should be considered an environmentally-sensitive habitat area, as defined in the California Coastal Act ("Coastal Act"); (b) the on-site wetland should be restored to a fresh water seasonal pond and not become a saltwater marsh; (c) the existing wetland supports areas of willow forest and alkali wetland which was not addressed in the Draft EIR; (d) the County's wetland consultant understated the extent of wetlands on the site; (e) the existing on-site wetland should not be considered "degraded," which is misleading; and (f) Parcel 9 is part of a wetland ecosystem that should be considered in the context of the nearby Ballona Wetlands.
15. At the March 10, 2010 continued public hearing for the Project, the Commission heard a presentation from staff and testimony from the public regarding the Project. Staff also presented the final EIR ("Final EIR") for the Project to the Commission. After hearing all testimony, the Commission closed the public hearing, certified the Final EIR, and approved the Project. The Commission also approved the 400-unit Apartment Project, the 126-unit Apartment Project, and the Hotel Project at the same hearing.
16. Pursuant to section 22.60.230 of the Los Angeles County Code ("County Code"), a member of the opposition group "We Are Marina Del Rey" appealed the Commission's approval of the Project to the Board. The appellant alleged, among other claims, that the Commission erred in approving the Project because: (a) the Project is inconsistent with the Coastal Act and the LCP; (b) the approval demonstrates that the County is piecemealing development in the Marina in violation of CEQA; and (c) the Final EIR failed to sufficiently analyze the Project's impacts to existing great blue heron and great egret. The 400-unit Apartment Project, the 126-unit Apartment Project, and the Hotel Project were also referred to the Board for review under section 22.60.230 of the County Code either by appeal or call for review.

17. On April 26, 2011, the Board conducted a public hearing on the Project. The Board heard a presentation from Regional Planning staff and testimony from Project proponents and opponents. Written correspondence, both opposing and supporting the Project, was also submitted to the Board. The testimony at the public hearing pertained primarily to the other Marina projects heard concurrently with the Wetland Park. The opposition testimony regarding the Wetland Park was similar to the opposition testimony presented to the Commission, and included the claims raised in the appeal. Proponents of the Project testified that the Wetland Park will provide a high-value educational and recreational asset for local residents and the broader County population.
18. At the conclusion of the April 26, 2011 public hearing, the Board denied the appeal, certified the Final EIR for the Project, adopted the related environmental findings of fact and statement of overriding considerations ("Findings of Fact and SOC"), adopted the Mitigation Monitoring Plan ("MMP"), and indicated its intent to approve the Project. As for the other Marina projects heard concurrently with the Wetland Park, the Board indicated its intent to approve the 400-unit Apartment Project and 126-unit Apartment Project, and remanded the Hotel Project to the Commission for further review.
19. Separate and apart from the instant Project, but processed during the same timeframe, was a major amendment to the Marina LCP ("Major Amendment").

#### The 2012 Amended LCP

20. On September 1, 2009, the Board adopted a motion directing Regional Planning to aggregate all known amendments that were planned for the LCP at that time into a single Major Amendment and accompany such amendment with a cumulative impact assessment for all development proposed for the Marina. The Board further directed Regional Planning staff to address certain of the Coastal Commission's overarching policy concerns for the Marina in the Major Amendment, including important biological resources, open space enhancements, and public parking.
21. The Major Amendment, among other things, relocated development potential within the Marina and changed the land use categories of specific parcels, but did not create any new development potential in the Marina. Any potential traffic impacts related to the relocation of development potential were mitigated by measures proposed in the amended LCP. The Major Amendment also imposed project-related requirements on the permittees of the 400-unit Apartment Project, the 126-unit Apartment Project, and the Hotel Project to: (a) pay certain amounts for the restoration and development of the Wetland Park; (b) construct transient docks on Parcel 9 for seven to eleven vessels; and (c) deposit funds into the coastal improvement fund established by the LCP.

22. On November 3, 2011, the Coastal Commission conducted a public hearing on the Major Amendment and approved and certified the Major Amendment subject to a number of suggested modifications. On November 29, 2011, the Board adopted a resolution for transmittal to the Coastal Commission which acknowledged receipt of the Coastal Commission's resolution of certification of the Major Amendment, and further, which accepted all modifications to the Major Amendment suggested by the Coastal Commission. On February 8, 2012, the Coastal Commission acknowledged receipt of the Board's November 29, 2011 resolution, and based on the Board's agreement to accept all suggested modifications made by the Coastal Commission, issued a final approval of, and certified, the Major Amendment, with an effective date of February 8, 2012 (hereinafter the "2012 Amended LCP").
23. The Board finds that the Wetland Park Restoration Plan ("Wetland Plan"), marked Exhibit "A," was prepared by an expert, wetland restoration consultant and depicts the Wetland Park on the southern 1.46 acres of the 3.66-acre site. The Wetland Plan depicts the Wetland Park as a newly established "muted" tidal salt marsh in the center of the Wetland Park, surrounded by a buffer of 25 feet from the wetland area. The muted tidal salt marsh is depicted as approximately 0.47-acres in size.
24. The Board finds that the Wetland Plan depicts: (a) a 28-foot-wide bromanite grasscrete fire access lane along the northern boundary of the Wetland Park, with a 72-inch-wide meandering concrete pedestrian walking path; (b) a picnic table in the northwestern corner of the Wetland Park; (c) a 72-inch-wide decomposed granite walking path meandering around the perimeter of the Wetland Park; (d) a viewing area at the western side of the Wetland Park; (e) park landscaping containing native and wetland plant species; (f) a connection pipe that will feed the wetland pipe tidally influenced water from the adjoining Marina Basin B; (g) a 28-foot-wide waterfront pedestrian promenade along the Parcel 9 bulkhead; and (h) an educational gathering area with informational signage, seating, and an overhead wood trellis in the northeastern corner of the Wetland Park.
25. The Board finds that the park area outside the salt marsh will be planted with appropriate native vegetation and will serve as open space for the public's enjoyment of wildlife and biological resources. The Board further finds that appropriate on-site signage will be installed to enhance the public's visiting experience. A permeable turf block area, including natural vegetation at the northern end of the Wetland Park, will provide a sturdy space for group lectures, a seating area for bird watching, and an area for maintenance/emergency vehicles.
26. The Board finds that, in preparing the Wetland Plan, the wetland consultant received input from the senior ecologist from the California Coastal Commission ("Coastal Commission") regarding the proposed design of the Wetland Park. The Coastal Commission's senior ecologist proposed that a tidal area with

coastal salt marsh vegetation be considered for the Wetland Park because such a feature would restore what was once the major habitat associated with the Marina prior to its development in the 1960s. The Wetland Park project team ultimately determined that such restoration would best be accomplished with a short, piped connection between Marina Basin B and the wetland area, which would provide salt marsh habitat subject to daily tidal flooding.

27. The Board finds that ecologically, based on information provided by the wetland consultant and County staff, a tidal marsh will provide superior habitat with significantly more and higher wetland functions and values than the existing degraded seasonal freshwater wetland occurring on the southern portion of the site, which only exhibits wetland conditions in some years.
28. The Board finds that, based on information provided by the wetland consultant and County staff, the following will be established in the Wetland Park:
  - A. Daily tidal flushing.
  - B. Restoration of approximately one-half acre of native saltmarsh vegetation.
  - C. Restoration of native fish along with benthic invertebrates to the saltmarsh area.
  - D. Foraging areas for native resident and migratory shore birds such as American avocet; black-necked stilts; western, least and spotted sandpipers; willets; black-bellied plovers, long-billed dowitchers; long-billed curlews; potential snowy plovers; and least terns for occasional foraging.
  - E. Foraging areas for herons and egrets, and habitat for a variety of songbirds such as savannah sparrows (including Belding's), song sparrows, and common yellowthroats.
29. The Board finds that development of the Wetland Park represents a unique opportunity to restore an area of fully functional tidal saltmarsh to the Marina, a habitat that once accounted for substantial areas but was largely lost during development of the Marina. The Board further finds that the Wetland Park will provide habitat that is both important for native flora and fauna and part of the tapestry that makes up the Marina's biological heritage.
30. The Board finds that the Wetland Park will provide unique educational and recreational opportunities for the public. The Board further finds that the Project represents an important opportunity for the County to provide the public an ecologically themed park on the western, predominately residential side of the Marina.

31. The Board finds that, based on the information provided by the wetland consultant and County staff, a saltwater marsh for the Wetland Park would serve more wildlife than a seasonal fresh water wetland, greatly increase the habitat value of Parcel 9, and be an appropriate restoration approach for the Wetland Park. The Board further finds that, because restoration of a wetland is an approved wetland activity under the Coastal Act, restoration to maximize habitat values is appropriate for the Project.
32. The Board finds that, based on the expert testimony and written submissions presented to the Commission and the Board by County staff and the consulting wetland biologist for the Wetland Park, the wetland delineation reported in the Final EIR for the Project is appropriate and covers the criteria of all agencies which regulate wetlands, even though these agencies' criteria for delineating wetlands differ. The Board further finds that the wetland area for the Project was measured in two alternative ways so as to delineate the maximum area of wetland on Parcel 9. The first method combined the wetland delineation criteria of all responsible agencies and calculated the wetland area based on the combined criteria. The second method calculated the wetland area using only the Coastal Commission's criteria for wetland delineation, which criteria are the most conservative and would capture the most amount of wetland area. Both methods resulted in the delineation of an identical amount of wetland area. For example, the revised Jurisdictional Delineation Report ("Revised Jurisdictional Delineation Report") prepared by Glenn Lukos Associates, dated March 27, 2008, which report is included as an appendix to the Final EIR, depicts 0.43 acres of wetland on Parcel 9 meeting the definition of "wetland" under the Coastal Act (i.e., a one-parameter wetland ), as regulated by the Coastal Commission. The same Revised Jurisdictional Delineation Report shows that 0.23 acres of the above-identified 0.43 acres also meets the definition of "wetland" under section 404 of the federal Clean Water Act (i.e., a three-parameter wetland), as regulated by the Army Corps of Engineers. Therefore, combining the criteria of the Coastal Commission and the Army Corps of Engineers yields an identical amount of wetland area as using only the Coastal Commission's criteria. The Board acknowledges the consulting wetland biologist's experience and expertise in the field of wetland delineation, and finds that the biologist's delineation of the wetland on Parcel 9 was scientifically derived and based on extensive field observations conducted by the biologist. As such, the Board finds the wetland delineation for the Project to be credible. The Board further finds that, based on the delineation of the consulting wetland biologist, and using any combination of responsible agency criteria for delineating wetlands, the existing wetland on Parcel 9 does not cover the entirety of the parcel, as has been alleged by Project opponents.
33. The Board finds that, historically, the Project site consisted of tidally-influenced coastal salt marsh habitat, as shown in Exhibit 5 to the Revised Jurisdictional Delineation Report, which exhibit consists of an aerial photograph of the Project site taken in 1928. Therefore, consistent with the opinion of the consulting



wetland biologist and the Coastal Commission's senior ecologist, restoring the area to coastal salt marsh is most appropriate.

34. The Board finds that, based on information provided by the consulting wetland biologist and County staff, the willow scrub present on the berm on Parcel 9 is not a wetland. This finding is based, in part, on the Biological Technical Report ("Biological Technical Report"), dated January 2006, prepared for the Project by Glenn Lukos Associates, which report is included as an appendix to the Final EIR. This report identifies 0.22 acres of narrow-leaf willow scrub existing on the berm adjacent to the delineated wetland area. The consulting wetland biologist evaluated this area during his wetland delineation. The biologist's data is compiled, in part, in Data Sheet 3 in the Revised Jurisdictional Delineation Report. The biologist found that the willow scrub area is not wetland as it lacks wetland soils and hydrology, and also lacks a predominance of hydrophytic vegetation due to the presence of upland plants in the understory of the willows.
35. The Board finds that the consulting wetland biologist appropriately characterized the wetland area of the site as "ruderal" wetland. In connection with the evaluation of wetlands for the Project, the biologist found that conditions within the wetland area of the site include historic tidal flat soils underlying the existing ground surface, and that the soils on the site exhibit varying degrees of salinity. The biologist further found that much of the vegetation within the wetland area of the site consists of halophytes (salt tolerant plants), such as non-native sickle grass (*Parapholis incurva*) and five-hook bassia (*Bassia hyssopifolia*), and native halophytes, including pickleweed (*Salicornia virginica*) and saltgrass (*Distichlis spicata*). At the time the Biological Technical Report was prepared in January 2006, a significant component of the vegetation within the wetland consisted of non-native species, which led the consulting biologist to conclude that the wetland area was "ruderal" wetland (i.e., containing plant species that are the first to colonize disturbed lands). While the "ruderal" wetland designation continues to be accurate for much of the wetland area, limited portions within the wetland currently exhibit higher densities of native species, such as pickleweed, due to above-average rainfall during the 2009-10 and 2010-11 rainfall seasons. The Board finds, based on the expert opinion of the consulting wetland biologist, that the limited expansion of pickleweed within the existing wetland area does not affect the wetland delineation.
36. The Board finds that the Final EIR includes detailed analysis of the site's biota, supported by a Jurisdictional Wetland Status Memorandum, Conceptual Wetland Restoration Plan, the Biological Technical Report, and a Supplemental Marine Biological Assessment. As set forth at page 3.0-173 of the Final EIR:

While great egrets or great blue herons may occasionally forage on Parcel [9], the wetland provides limited resources as the wetland maintains water only for a short period after the winter rainy season. In addition, there are other and better foraging locations such as Oxford Basin and the

Ballona Wetlands for these species to forage. Neither species is considered a special-status species and it is only their nesting rookeries that California Department of Fish and Game designates as a sensitive biological resource. While a 19-story hotel such as that proposed on Parcel [9] would be a flight obstacle like any of the taller buildings in Marina del Rey, a 19-story building will in no way hinder the flight path of either the great egret or great blue heron.

As confirmed in the Biological Technical Report, as well as in the County's March 23, 2010 Conservation and Management Plan for Marina del Rey, which plan was revised by the County on September 16, 2010, the Board finds there is no substantial evidence that either great blue heron or great egret nest on the site.

37. The Board finds that the Hotel Project proposed for the northern 2.2 acres of Parcel 9 will be located north of the Wetland Park, well above the elevation of the existing wetland.
38. The Board finds that, in delineating the wetland boundary, the entire area of Parcel 9 was carefully evaluated by the consulting wetland biologist. The Board further finds that the wetland consultant's findings regarding the occurrence of seaside heliotrope on Parcel 9 have been appropriately addressed and documented. The Board accepts the consulting wetland biologist's opinion that seaside heliotrope is not a wetland indicator in the instant case.
39. The Board finds that the limited area of wetland that currently exists on the site was created incidentally during excavation of the site in the 1980s as part of a hotel project, which has since been abandoned. The Board further finds that the wetland area consists of a significant component of non-native vegetation, which is, in turn, surrounded by areas that consist almost entirely of non-native vegetation or existing development. Notwithstanding claims made by Project opponents to the contrary, the Board accepts the consulting wetland biologist's opinion that the characterization of the area as "degraded" is not misleading, but is an accurate and appropriate description of the site. The Board finds that, when compared to pristine or otherwise intact wetland systems, the site's artificially created wetland is degraded.
40. Notwithstanding claims made by Project opponents to the contrary, the Board finds that, based on the consulting wetland biologist's expert opinion, Parcel 9 covers approximately 3.66 acres of which 3.23 acres consist of ruderal habitat almost entirely (i.e., > 90-percent) of non-native grasses and forbs. The Project site is surrounded by multi-family residential and recreational boating uses. The Board further finds that, based on the consulting wetland biologist's expert opinion, the existing Parcel 9 wetland does not currently support meaningful ecological functions, and there is no connection between the current degraded site and the Ballona Wetlands, which is located relatively distant from the site,

east of the opposite side of the Marina. The Board accepts the consulting wetland biologist's opinion that creation of the Wetland Park with the proposed salt marsh would provide native habitat that would exhibit at least limited ecological functions, compared with the excavated pit that currently occupies the southern portion of the site.

41. The Board finds that the Project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel 9 bulkhead, in conformance with the Coastal Act and the 2012 Amended LCP. The Board further finds that the permittee has been appropriately conditioned to provide signage at the Project site's entrances and at each bulkhead entrance of each public lateral access way identifying these locations as public access ways.
42. The Board finds that the Project enhances public access to the waterfront by constructing a 28-foot-wide public pedestrian promenade along the water frontage of Parcel 9, and public lateral access ways across the site from Marquesas Way to the public waterfront promenade. Development adjacent to the bulkhead (i.e., the public promenade) will provide pedestrian access ways, benches, and rest areas along the bulkhead.
43. The Board finds that development of the new 28-foot-wide public pedestrian promenade and amenities along the site's waterfront will allow the public substantial viewing opportunities of the small craft harbor water areas.
44. The Board finds that DCB has reviewed and conceptually approved the Project for consistency with the policies and objectives of the LCP in effect at the time of review, which policies and objectives have not been materially altered by the 2012 Amended LCP. DCB found the Project was in conformity with the various public access, visual impact, and view requirements of the LCP in effect at the time.
45. The Board finds that conditions of approval require the permittee to conduct site development in conformity with the archaeological reporting requirements specified in the County Code.
46. The Board finds that the Project conforms to the phasing schedules in the 2012 Amended LCP because:
  - A. With development of the Project, there will be no significant, unmitigated peak-hour adverse traffic impacts.
  - B. There is sufficient traffic capacity in both the Marina internal system and the sub-regional highway system to accommodate the traffic generated by the Wetland Park.
47. The Board finds that the approved traffic report for the Project demonstrates there is adequate internal and sub-regional traffic infrastructure in and around the Marina to support the Project.

48. The Board finds that the Wetland Park is consistent with the "open space" land use designation for Parcel 9, in that:
  - A. Public parks and pedestrian paths are identified as permitted uses in the open space land use designation.
  - B. The Project is consistent with the development standards for the open space land use designation in the 2012 Amended LCP.
49. The Board finds that the Project is consistent with the 25-foot building height limitation for the site in that there are no buildings proposed within the Wetland Park.
50. The Board finds that the Project is consistent with 2012 Amended LCP standards requiring a continuous 28-foot-wide pedestrian promenade along the parcel's bulkhead. Seating, landscaping, lighting, and trash receptacles will be provided along the parcel's bulkhead, to the satisfaction of DCB.
51. The Board finds that the Project has been designed to afford the public expansive views of the adjacent Marina Basin from the streets fronting the site.
52. The Board finds that more than 10 percent of the Project's net lot area will be landscaped and building coverage will be less than 90 percent of the Project's net lot area.
53. The Board finds that infrastructure for the Project will be designed and constructed in an environmentally-sensitive manner, and will follow design policies of the 2012 Amended LCP. On-site, publicly accessible parking will be provided for the Wetland Park within the adjacent garage of the Hotel Project in excess of County Code requirements. In the event that the Hotel Project does not get built, parking for the Wetland Park will be provided on the northern portion of Parcel 9.
54. The Board finds that the permittee has been appropriately conditioned to provide signage at the site's entrances and at each bulkhead entrance of each public lateral access way identifying these locations as public access ways.
55. The Board finds that the Project enhances public access to the waterfront by developing a free, ecologically-themed resource on the southern portion of the parcel that will attract the public to the shoreline. The Board further finds that the Project site is presently fenced-off from any public access, except for a small sidewalk that fronts the parcel bulkhead, and that public access from Via Marina and Tahiti Way to the waterfront will be provided along the perimeter of the Wetland Park.
56. The Board finds that the Project provides public access from public roads fronting the Project to the shoreline along all fire roads and across all dedicated Project open space areas.

57. The Board finds that the Project has been conditioned to incorporate directional signage, outdoor exhibits, and brochures to enhance public awareness of shoreline access ways and public areas.
58. The Board finds that the Project will provide a new public park resource into the western side of the Marina, which is presently dominated by multi-family residential uses.
59. The Board finds that the Project will provide a free, high-quality visitor-serving public park on what is currently a vacant parcel fenced-off from public use.
60. The Board finds that sufficient parking will be provided to satisfy the needs of the Wetland Park.
61. The Board finds that the Project parking facilities have been adequately integrated into the overall design of the Project.
62. The Board finds that, prior to issuance of any grading permit, the permittee will be required to demonstrate compliance with all applicable water quality protection and enhancement measures required by the 2012 Amended LCP.
63. The Board finds that the Project was reviewed during the CEQA review process to determine potential impacts on cultural resources and no such impacts were identified.
64. The Board finds that the Project has been appropriately conditioned to ensure that, in the event a significant cultural resource is found on-site during construction, such source shall be provided to and maintained by the Los Angeles County Museum of Natural History, or other appropriate entity or agency, or is treated as otherwise provided by law.
65. The Board finds that the Project has been appropriately conditioned to require the permittee to notify Regional Planning and the Office of the State Historic Preservation in the event of discovery of Native American remains or of grave goods during any construction phase of the Project, and in such instance a "stop work" order shall be issued.
66. The Board finds that the Wetland Park provides a new visitor-serving amenity to the Marina. The Board further finds that the Project has been appropriately conditioned to ensure that construction activities will not, to the extent feasible, detract from or interfere with the use of existing boating and ancillary facilities in the vicinity of the site.
67. The Board finds that, with development of the Wetland Park, the Project will maintain the physical and economic viability of the Marina.
68. The Board finds that the Project has received conceptual design approval from DCB.

69. The Board finds that the Project is consistent with the coastal visual resources policy of the 2012 Amended LCP by providing expansive, unobstructed views across the parcel from adjacent public streets to Marina Basin B.
70. The Board finds that the Project implements the view protection policies in the 2012 Amended LCP by incorporating harbor views from streets and pedestrian access ways consistent with security and safety considerations.
71. The Board finds that an eight-foot-wide, enhanced pedestrian viewing area will be provided along the parcel bulkhead seaward of the 20-foot-wide dual purpose pedestrian promenade, to the satisfaction of DCB.
72. The Board finds that the Project has been appropriately conditioned to require that all necessary approvals required by Public Works will be obtained prior to the issuance of any certificate of occupancy for the Project.
73. The Board finds that the Project has been appropriately conditioned to ensure Public Works will review the Project plans to assure that water conservation measures and techniques are incorporated into the Project. The Board further finds that the Project will be naturally water-conserving, and that the water for the Wetland Park will come primarily from the adjacent Marina Basin via a pipe connection that will be installed as part of the Wetland Park design.
74. The Board finds that the Project's waterfront fire access lane has been designed to maintain unimpeded access, clear to the sky, with no benches, planters, or fixed object impediments.
75. The Board finds that the permittee is subject to payment of the California Department of Fish & Game fees pursuant to Section 711.4 of the California Fish & Game Code related to the Project's effect on wildlife resources.
76. At the April 26, 2011 public hearing before the Board, Project opponents testified and submitted written correspondence stating that the proposed redevelopment of various Marina parcels constitutes a "single project" under CEQA, and that processing individual EIRs for the various Marina development projects constituted impermissible piecemealing of environmental review under CEQA. The Board finds there is no "single project" to redevelop various parcels in the Marina, and further finds that the Final EIR for the Project complies with applicable CEQA requirements. This Project, the Hotel Project, the 400-unit Apartment Project, and the 126-unit Apartment Project, each of which were analyzed in a single, comprehensive EIR, are independent of and unrelated to other development projects in and around the Marina. The Board further finds that the processing of the Final EIR for the Project separately from the environmental review of other Marina projects does not constitute "piecemealing" and does not violate CEQA.

77. The Board finds that the comprehensive EIR for the Project, the Hotel Project, the 400-unit Apartment Project, and the 126-unit Apartment Project, along with the comprehensive cumulative environmental impact assessment of the Pipeline Projects conducted by the County in connection with the Major Amendment, have afforded the public and the Board an enhanced understanding of the numerous land use planning and environmental issues associated with the Project and the proposed developments on Marina Parcels 9 and 10.
78. At the public hearing before the Board, Project opponents testified and submitted written correspondence stating that the County must prepare a "Master EIR" analyzing the conceptual development of the entire Marina. Section 15175, subdivision (a), of the State CEQA Guidelines explains that the "Master EIR procedure is an alternative to preparing a project EIR [and is] intended to streamline the later environmental review of projects or approval included with the project, plan or program analyzed in the Master EIR." Subdivision (b) of section 15175 provides that the lead agency "may" prepare a Master EIR in certain circumstances, but does not require the lead agency to do so. The Board finds that it is not required to prepare a Master EIR analyzing the conceptual development of the entire Marina. The Board further finds that preparing a Master EIR for this Project would unnecessarily duplicate effort and cost, as the County has already overseen the preparation of project-level EIRs for the Pipeline Projects.
79. The Board finds that the Final EIR for the Project was prepared in accordance with CEQA, the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines. The Board has reviewed and considered the Final EIR, along with its associated MMP, Findings of Fact and SOC, and finds that it reflects the independent judgment of the Board. The Findings of Fact and SOC are incorporated herein by this reference, as if set forth in full.
80. The Board finds that an MMP consistent with the conclusions and recommendations of the Final EIR and MMP's requirements are incorporated into the conditions of approval for this Project.
81. The Board finds that the MMP prepared in conjunction with the Final EIR identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment by the Project.
82. Approval of this Project is conditioned on the permittee's compliance with the attached conditions of approval and the MMP.
83. The Board finds that the permittee has demonstrated the suitability of the subject property for the proposed use. The Board finds that establishment of the proposed use at such location is in conformity with good zoning practice. The Board finds that the permittee's compliance with the conditions of approval will

ensure compatibility with surrounding land uses and consistency with all applicable Countywide General Plan ("General Plan") policies.

84. The Board has duly considered all of the issues and information contained in the oral testimony and written correspondence given to the Board in opposition to the Project, as well as the issues and information contained in the oral testimony and written correspondence given to the Board in response thereto by County staff and the permittee. As set forth in these findings, in the Board Resolution for the Major Amendment, which is incorporated herein by reference, and as explained in the County's detailed responses to all public written comments received by the Commission and/or the Board regarding the Project, which responses have been incorporated into the Final EIR, the Board finds that the opposition testimony and written correspondence do not identify substantial evidence that the Final EIR violates CEQA, and fail to identify substantial evidence requiring recirculation of the Final EIR under applicable State CEQA Guidelines. The Board further finds that it has not been presented with credible evidence rebutting the analysis and conclusions in the Final EIR. The Board further finds that it has not been presented with credible evidence that the Project will cause the environmental impacts that Project opponents identified in their testimony and written correspondence.
85. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, County Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Special Projects Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:**

- A. The proposed use with the attached conditions and restrictions will be consistent with the adopted General Plan.
- B. The proposed use with the attached conditions and restrictions is in conformity with the 2012 Amended LCP and the public access and public recreation policies of the Coastal Act.

**THEREFORE, THE BOARD OF SUPERVISORS:**

1. Certifies that the Final EIR for the Project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Board as to the environmental consequences of the Project; indicates that, at the conclusion of its hearing on the Project, it certified the Final EIR and adopted the Findings of Fact and SOC, and the MMP, finding that the MMP is adequately



designed to ensure compliance with the mitigation measures during Project implementation, and found that the unavoidable significant effects of the Project after adoption of said mitigation measures are described in those Findings of Fact and SOC; and determined that the remaining, unavoidable environmental effects of the Project have been reduced to an acceptable level and are outweighed by specific health, safety, economic, social, and/or environmental benefits of the Project as stated in the Findings of Fact and SOC; and

2. Approves Coastal Development Permit No. 2006-00006-(4), subject to the attached conditions.

**CONDITIONS OF APPROVAL  
PROJECT NUMBER R2006-03643-(4)  
COASTAL DEVELOPMENT PERMIT NUMBER 2006-00006-(4)**

1. This grant authorizes the site preparation, extraction of structural pilings, construction and maintenance of a 1.46-acre public upland and wetland park ("Wetland Park") on the southern portion of Parcel 9 in Marina del Rey ("Marina"). This grant also authorizes the construction of a 28-foot-wide waterfront pedestrian promenade on the waterside of Parcel 9. All improvements described herein shall be as depicted on the approved Exhibit "A" on file at the Los Angeles County ("County") Department of Regional Planning ("Regional Planning"), and are subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of, or bearing the obligation to perform the conditions of, this grant.
3. This grant shall not be effective for any purpose until the permittee has filed at Regional Planning its affidavit stating that it is aware of, and agrees to accept, all of the conditions of this grant, until the conditions have been recorded as required by Condition No. 4, and until all required monies have been paid pursuant to Condition Nos. 9, 10 and 14. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 2, 5, 6, 7, 9, 10, and 14 shall become immediately effective upon final approval by the County.
4. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the Office of the County Registrar-Recorder/County Clerk ("Recorder"). Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director"). In addition, upon any transfer of the lease held by the permittee or sublease during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee of the lease or the sublessee.
5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of section 65009 of the California Government Code, or any other applicable limitation period. The County shall notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense.
6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The

permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- A. If during the litigation process, actual costs incurred reach 80 percent of the amount of the initial deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
- B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with section 2.170.010 of the County Code.

- 7. This grant shall expire unless used on or before the date that is five years after the "final legal challenge date," where the final legal challenge date shall mean the later of: (a) the last date on which any party may file any legal challenge or appeal on the approval action for this grant, provided no such legal challenge or appeal has been filed; or (b) if any legal challenge or appeal of the approval action for this grant is made by any party, then the date on which such legal challenge or appeal is fully and finally resolved, such that no further legal challenge may be made. No less than six months prior to the permit expiration date, the permittee may request in writing a one-year time extension and pay the applicable extension fee.
- 8. If any provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
- 9. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County the sum of \$6,000. These monies shall be placed in a performance fund which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 30 annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be

financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file at Regional Planning. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200 per inspection).

10. Within five days following the final approval date of this grant by the County Board of Supervisors ("Board"), the permittee shall cause a Notice of Determination to be posted at the Recorder in compliance with section 21152 of the California Public Resources Code. The permittee shall remit applicable processing fees, payable to the County of Los Angeles, in connection with such filing. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to section 711.4 of the California Fish and Game Code. The current total fee amount is \$2,994.00 (\$2,919.00 plus \$75.00 processing fee). No land use project subject to this requirement is final, vested, or operative if said fee is unpaid.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission ("Commission") or a County hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated, or that this grant has been exercised so as to be detrimental to the public health or safety, or so as to be a nuisance. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the permittee shall compensate the County for all costs incurred in such proceedings.
12. The subject property shall be developed and maintained in substantial compliance with the approved site plans, the Wetland Park Restoration Plan, and the other related plans kept on file at Regional Planning, marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner for such revision.
13. The conditions and/or changes in the project, set forth in the final environmental impact report ("Final EIR"), necessary in order to assure that the proposed project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all such conditions/changes in accordance with the attached Mitigation Monitoring Plan ("MMP"), which is incorporated herein by this reference. As a means of ensuring the effectiveness of such conditions and/or changes to the project, the permittee shall submit mitigation monitoring reports to

Regional Planning for review and approval, as frequently as may be required by Regional Planning, until such time as all mitigation measures have been implemented and completed or Regional Planning determines such mitigation measures are no longer necessary. The reports shall describe the status of the permittee's compliance with the required project conditions/changes.

14. Within 30 days following the final approval date of this grant, the permittee shall deposit the sum of \$6,000 with Regional Planning which shall be required prior to use of the grant and shall be utilized to defray the cost of reviewing the permittee's reports and verifying compliance with the MMP.
15. All structures in the project shall comply with the requirements of the Division of Building and Safety of the County Department of Public Works ("Public Works"), the County Forester and Fire Warden ("Fire Department"), and the County Department of Public Health ("Public Health").
16. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities including, but not limited to, water mains, fire hydrants, gated access width, emergency access, and fire flow facilities, shall be provided to the satisfaction of and within the time periods established by the Fire Department.
17. All development shall comply with the requirements of Title 22 of the Los Angeles County Code ("Zoning Code"), the Marina del Rey Local Coastal Program ("LCP"), and of the specific zoning of the subject property unless specifically modified by this grant, as set forth in these conditions or as shown on the approved Exhibit "A" or revised Exhibit "A" approved by the Director.
18. Except for seasonal decorations or signage provided by or for a civic or non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to the use of the property or provide pertinent information about the premises. In the event any such extraneous markings become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
19. Prior to obtaining any building permit for the project, the permittee shall obtain approval from the Marina Design Control Board ("DCB") for the project's proposed final signage, landscaping, building colors, materials palette, and promenade amenities plan, including the design details concerning the promenade seating, shade structures, bike racks, drinking fountains, light standards, and decorative paving.
20. Within 60 days following DCB's final design approval of the project, the permittee shall submit three copies of a landscape plan to the Director for review and

approval, which landscape plan may be incorporated into a revised Exhibit "A." The landscape plan shall: (a) show the size, type and location of all landscaping, irrigation and watering facilities, and on-site plants and trees; (b) include details for the waterfront public pedestrian promenade, including surfacing materials, lighting, benches and other facilities; and (c) contain a planting plan prohibiting the use of exotic invasive plants. All landscaping shall be maintained in a neat, clean, and healthful condition, and proper pruning, weeding, removal of litter, fertilizing, and replacement of plants shall occur when necessary.

21. Within 60 days following DCB's final design approval for the project, the permittee shall submit three copies of a signage plan to the Director for review and approval, which signage plan may be incorporated into a revised Exhibit "A." The signage plan shall include elevations, proposed lettering, colors, and locations of signage on the site. All renderings of said signage shall be drawn to scale and shall be in conformity with the signage approved by DCB.
22. The following conditions shall apply to project construction activities:
  - A. Construction activity shall be restricted to occur only between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. Written permission from DBH is required prior to any construction activity on Saturdays, and in all cases, construction activity on Saturdays shall be restricted to occur only between the hours of 8:00 a.m. to 5:00 p.m. No construction activities shall occur on Sundays or legal holidays.
  - B. The permittee shall comply with the provisions of Chapter 12.12 of the Los Angeles County Code ("County Code") governing construction noise.
  - C. All graded material shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth-moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
  - D. All sources of stationary construction noise shall be sheltered or enclosed to minimize adverse effects on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, State, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and

identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Director and to Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses.

- E. Parking of construction worker vehicles and storage of construction equipment/materials shall be on-site or at an adjacent off-site location, which off-site location shall be approved by the Director, agreed to by the lessee of said location, and buffered from nearby residences.
- F. If the permittee chooses to provide parking for construction workers or storage of construction equipment/materials off-site, the permittee shall submit plans for temporary construction worker parking and equipment/materials storage to the Director for the Director's prior review and approval. Such plans shall demonstrate to the satisfaction of the Director that the off-site parking will not interfere with the enjoyment of any uses then-existing on the off-site property.
- G. All project-related truck hauling shall be restricted to a route approved by the Director of Public Works, a map of which shall be provided to the Director upon approval.
- H. Prior to any construction activities for the project, the permittee shall post a notice in a conspicuous location at the staging site and along the project-related truck hauling route. The notice shall describe the project, the anticipated duration of construction activity, and provide a phone number where people can lodge questions and complaints. The site plan submitted by the permittee to the Director shall show the location and state the content of the required notice. The permittee shall keep records of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to Regional Planning upon request.
- I. Prior to any construction activities for the project, the permittee shall submit a site plan to the Director for approval depicting the location of all construction staging areas, providing the expected duration of construction activities, and stating the location and content of any project-related notices required by these conditions.
- J. The permittee shall develop and implement a construction management plan, as approved by the Director and the Director of Public Works, which includes all of the following measures as recommended by the South

Coast Air Quality Management District ("SCAQMD"), or other measures of equivalent effectiveness approved by the SCAQMD:

- i. Configure construction parking to minimize traffic interference;
  - ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person);
  - iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable as determined by the Director of Public Works;
  - iv. Consolidate truck deliveries when possible;
  - v. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;
  - vi. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at (800) 242-4022 for daily forecasts;
  - vii. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators, except as approved by the Director;
  - viii. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices; and
  - ix. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
- K. All construction and development on the site shall comply with the applicable provisions of the California Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County.
- L. The permittee shall demonstrate that all construction and demolition debris, to the maximum extent feasible as determined by the Director and the Director of Public Works, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program shall be provided to the Director and to Public Works prior to building permit issuance.
23. In conformance with the approved parking plans on file with Regional Planning and contained in Exhibit "A," the permittee shall provide a minimum of 21 public parking spaces on-site for use by visitors to the Wetland Park. These parking spaces shall comply with the requirements set forth in Part 11 of Chapter 22.52



of the County Code and will be subject to an hourly use fee to be determined by the County.

24. Sidewalks and driveways on the site shall comply with the requirements of the federal Americans with Disabilities Act ("ADA") and shall be constructed to the satisfaction of Public Works.
25. The permittee shall install conspicuous signage, as shown on the final signage plan approved by DCB, at each bulkhead entrance and along the length of the waterfront promenade identifying these locations as public access ways.
26. The permittee shall install benches along the waterfront promenade to the satisfaction of DCB.
27. All necessary facilities and infrastructure required by Public Works shall be provided for the project prior to the County's issuance of a Certificate of Occupancy for the project, to the satisfaction of the Director of Public Works. All project infrastructure shall be designed and constructed in an environmentally-sensitive manner, in full conformance with Public Works' requirements to the satisfaction of said department, and shall follow the design and recreation policies of the LCP, including any landscaping standards required by DCB.
28. The permittee shall obtain all necessary permits from Public Works and shall maintain all such permits in full force and effect throughout the life of this grant.
29. The permittee shall comply with all applicable provisions and policies in the Marina del Rey Land Use Plan ("LUP") concerning water quality protection. Prior to obtaining any grading or building permit for the project, the permittee must obtain approval from Regional Planning affirming that all such applicable provisions and policies of the LUP have been appropriately complied with or adopted. During project construction, the permittee shall submit quarterly reports to Regional Planning describing the permittee's ongoing compliance with these provisions and policies.
30. In the event of discovery of Native American remains or of grave goods, section 7050.5 of the California Health and Safety Code, and sections 5097.94, 5097.98 and 5097.99 of the California Public Resources Code shall apply and govern the permittee's development activities. In addition, in compliance with the Zoning Code, the permittee shall notify the Office of State Historic Preservation and Regional Planning of the discovery, and in such instances, a "stop work" order shall be issued.
31. Prior to commencement of grading, the permittee shall provide evidence that it has notified the Office of State Historic Preservation and the Native American Heritage Commission of the location of the proposed grading, the proposed extent of the grading, and the dates on which the work is expected to take place.

32. Site development shall be conducted in conformance with the archeological reporting requirements in the Zoning Code.
33. In the event a significant cultural resource is found on-site during construction, the permittee shall ensure that such resource is provided to and maintained by the County Museum of Natural History, or other appropriate entity or agency, or is treated as otherwise provided by law.
34. The permittee shall maintain the site in a neat and orderly fashion and free of litter. All areas of the project site visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.
35. Outside lighting shall be arranged to prevent glare or direct illumination onto any adjacent properties and shall be subject to the requirements of DCB.
36. The permittee shall comply with all applicable provisions and policies in the LUP concerning the Marina's "important biological resources," including the policies governing tree pruning and tree removal, the management of crows and other omnivores, and the submittal of biological reports and construction monitoring. Prior to obtaining any grading or building permit for the project, the permittee shall obtain approval from Regional Planning confirming that all such applicable provisions and policies have been appropriately complied with or adopted.
37. Prior to initiating development of the project, the permittee shall retain a licensed wetland restoration ecologist ("Project Restoration Specialist") pre-approved by the Director. The Project Restoration Specialist shall be responsible for ensuring the permittee's compliance with Condition Nos. 38 through 42.
38. In order to maximize wildlife values, no trails or gathering areas, such as picnic tables or pavilions, shall be allowed: (a) between the parking lot located on Marina Parcel 8, which parking lot is adjacent to the Wetland Park, and the wetland area within the park; or (b) between the waterfront promenade and the wetland area within the park. These restrictions do not apply to the 28-foot wide public pedestrian promenade to be developed along the Parcel 9 bulkhead.
39. The permittee shall adhere to the following performance standards for a period of five years commencing on the date the Wetland Park opens to the public ("Establishment Term"). The permittee shall have the right to record an affidavit reflecting the commencement of the Establishment Term.

## **Vegetation Performance Standards**

### **A. *Saltwater Marsh Plantings***

#### **First-Year Monitoring**

Success Standard: 30 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall be represented in the restoration site; and
- No more than 10 percent coverage by non-native plant species shall be allowed.

#### **Second-Year Monitoring**

Success Standard: 40 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall be represented in the restoration site; and
- No more than five percent coverage by non-native plant species shall be allowed.

#### **Third-Year Monitoring**

Success Standard: 50 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

#### **Fourth-Year Monitoring**

Success Standard: 60 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

### **Fifth-Year Monitoring**

Success Standard: 75 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

### **B. *Coastal Prairie Plantings***

#### **First-Year Monitoring**

Success Standard: 35 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall be represented in the restoration site; and
- No more than 10 percent coverage by non-native plant species shall be allowed.

#### **Second-Year Monitoring**

Success Standard: 50 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall be represented in the restoration site; and
- No more than five percent coverage by non-native plant species shall be allowed.

#### **Third-Year Monitoring**

Success Standard: 60 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

#### **Fourth-Year Monitoring**

Success Standard: 70 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

#### **Fifth-Year Monitoring**

Success Standard: 80 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- At least 80 percent of the planted species shall each attain at least five percent cover of the total native cover; and
- No more than five percent coverage by non-native plant species shall be allowed.

#### **C. *Coastal Sage Scrub, Coastal Bluff Scrub and Maritime Chaparral Plantings***

##### **First-Year Monitoring**

Success Standard: 35 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- No more than 10 percent coverage by non-native plant species shall be allowed.

##### **Second-Year Monitoring**

Success Standard: 50 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- No more than five percent coverage by non-native plant species shall be allowed.

##### **Third-Year Monitoring**

Success Standard: 60 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- No more than five percent coverage by non-native plant species shall be allowed.

#### **Fourth-Year Monitoring**

Success Standard: 70 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- No more than five percent coverage by non-native plant species shall be allowed.

#### **Fifth-Year Monitoring**

Success Standard: 80 percent coverage of native species (a maximum of five percent deviation shall be allowed):

- No more than five percent coverage by non-native plant species shall be allowed.

40. The permittee shall adhere to the following requirements during the 5-Year Wetland Park Establishment Term:

#### **Saltwater Marsh; Coastal Prairie Plantings; and Coastal Sage Scrub, Coastal Bluff Scrub and Maritime Chaparral Plantings**

- A. **Weeding:** Weeding shall be conducted as necessary and/or as directed by the Project Restoration Specialist. At a minimum, weeding shall be conducted monthly during the first six months of the Establishment Term, and quarterly during months seven through 60 thereafter. The permittee shall ensure all maintenance personnel are properly trained to identify target species so as to avoid the inadvertent removal of such species during weeding. Because the non-native seed bank will be removed and tidal inundation will suppress many of the common weeds, the amount of weeding may be limited, and thus the Project Restoration Specialist shall coordinate all weeding activities.

For coastal prairie, coastal scrub and chaparral plantings, weeding shall be conducted as necessary and/or as directed by the Project Restoration Specialist. At a minimum, weeding shall be conducted monthly during the first six months of the Establishment Term, and quarterly during months seven through 60 thereafter. Once plantings are established, mulch may be incorporated into problem areas to suppress weeds, if approved by the Project Restoration Specialist.

- B. **Plant Replacement:** Dead or damaged container stock, as identified by the Project Restoration Specialist during on-site field surveys, shall be replaced during the first year as necessary to ensure compliance with the performance standards outlined in Condition No. 39 of this grant.
- C. **Trash Removal:** Trash removal shall be conducted during weeding and other maintenance visits.

41. Following the expiration of the five-year Establishment Term, the permittee shall adhere to the following requirements for the life of the project:

**Saltwater Marsh**

Once the above-referenced performance standards in Condition Nos. 39 and 40 have been achieved for the salt marsh habitat, the saltwater influence should suppress any undesirable non-native plants for the life of the project. Therefore, no weeding shall be required within the wetland area after the Project Restoration Specialist confirms in writing to the Director that the above-referenced performance standards have been achieved. The permittee shall continue to conduct trash removal on a monthly basis, or more frequently as needed.

**Coastal Prairie Plantings; and Coastal Sage Scrub, Coastal Bluff Scrub and Maritime Chaparral Plantings**

Once the performance standards in Condition Nos. 39-40 have been achieved, as confirmed by the Project Restoration Specialist in writing to the Director, weeding shall only be performed for aesthetic purposes, as determined by the Project Restoration Specialist in coordination with the permittee's project landscape contractor. The permittee shall continue to conduct trash removal on a monthly basis, or more frequently as needed.

42. At the end of each of the five-year monitoring seasons outlined in Condition No. 39, the Project Restoration Specialist shall prepare and submit a report to the Director, the Director of the County Department of Beaches and Harbors, and the Executive Director of the California Coastal Commission, on or before December 31, of the calendar year in which the applicable monitored period ended, which report shall assess the attainment of yearly target criteria and the progress toward final success criteria, and shall include the following information:
- A. A list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;
  - B. An analysis of all qualitative monitoring data;
  - C. Copies of monitoring photographs;
  - D. Maps identifying monitoring areas, transects, planting zones, and other information, as appropriate; and
  - E. Copies of all previous reports.

43. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of the Wetland Park on Marina Parcel 9.

Attachment:

Mitigation Monitoring Plan (Pages 1-28)



## Exhibit A

### Neptune Marina Apartments and Anchorage/Woodfin Hotel Suite and Timeshare Resort Project Mitigation Monitoring Plan

NOTE: Each mitigation measure shall be applicable to all of the project components, except as otherwise set forth below.

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<b>GEOTECHNICAL AND SOIL RESOURCES</b>				
<p>The proposed project has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving structures adversely affected by the magnitude of seismic shaking that could potentially occur on the project site. Without mitigation, impacts associated with seismic shaking are considered adverse and potentially significant.</p>	<p><b>Fault Rupture, Seismic Ground Shaking, Landslides:</b></p> <p><b>5.1-1.</b> Proposed structures shall be designed in conformance with the requirements of the 1997 edition of the UBC and the County of Los Angeles Building Code for Seismic Zone 4. (Parcels 10R, FF, and 9U hotel project only)</p>	<p>The applicant shall submit plans designed in conformance with UBC and County of Los Angeles Building Code requirements.</p>	<p>Building and Safety</p>	<p>During plan check</p>
	<p><b>5.1-2.</b> Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report (Draft EIR, Appendix 5.1, Section 4.0, pages 6 20) and the Van Beveren &amp; Butelo report (Draft EIR, Appendix 5.1, pages 14 35). (Parcels 10R, FF, and 9U hotel project only)</p>			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<p>Surficial wind and water erosion on the project site has the potential to increase on the project site during construction. This may result in a short-term impact relative to soil erosion or loss of topsoil unless mitigated.</p>	<p><b>Soil Erosion:</b></p> <p>5.1-3. Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the project from flooding, ponding, or inundation by poor or improper surface drainage. (Parcels 10R, FF, and 9U hotel project only)</p>	<p>The applicant shall submit an Erosion Control Plan to protect the project from improper surface drainage.</p>	<p>Department of Public Works, Building and Safety</p>	<p>Prior to the issuance of grading permit</p>
	<p>5.1-4. Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall. (Parcels 10R, FF, and 9U hotel project only)</p> <p>5.1-5. Where necessary during periods of rainfall, the Contractor shall install checkdams, desilting basins, rip-rap, sand bags or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements. (Parcels 10R, FF, and 9U hotel project only)</p> <p>5.1-6. Following periods of rainfall and at the request of the Geotechnical Consultant, the Contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage. (Parcels 10R, FF, and 9U hotel project only)</p> <p>5.1-7. Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs, and adjacent property. (Parcels 10R, FF, and 9U hotel project only)</p>	<p>Field inspections</p>	<p>Building and Safety</p>	<p>On going during construction</p>

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.1-8. For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required. (Parcels 10R, FF, and 9U hotel project only)			
	5.1-9. Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures. (Parcels 10R, FF, and 9U hotel project only)	The applicant shall record a covenant prior to issuance of a certificate of occupancy.	Public Works and Building and Safety	Prior to issuance of a certificate of occupancy
	5.1-10. Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect. (Parcels 10R, FF, and 9U hotel project only)	The applicant shall submit a landscape plan.	Department of Regional Planning	During plan check
	5.1-11. Roof drains shall be directed off the site. (Parcels 10R, FF, and 9U hotel project only)	Field inspections	Building and Safety	During plan check and on going during construction
	5.1-12. Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report ( <b>Draft EIR, Appendix 5.1, Section 4.0, pages 6-20</b> ) (Parcels 10R and FF only) and the Van Beveren & Butelo report ( <b>Draft EIR, Appendix 5.1, pages 14-35</b> ) (Parcel 9U hotel project only).	Field inspections	Building and Safety	On going during construction
Consequences of liquefaction on the project site include liquefaction-induced ground subsidence and lateral spread or	<b>Liquefaction:</b> 5.1-13. Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report ( <b>Draft EIR, Appendix 5.1, Section</b>	Field inspections	Building and Safety	On going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
deformation toward the low-lying areas of the project site. Additionally, soils located on Parcel 9U are not suitable for support of the project. As such, mitigation is required for soil stabilization.	4.0, pages 6-20) (Parcels 10R and FF only and the Van Beveren & Butelo report (Draft EIR, Appendix 5.1, pages 14-35) (Parcel 9U hotel project only).			
Methane is a natural bi-product of the microbial decomposition of organic matter in an anaerobic environment. In large concentrations, methane can be explosive and, since it is heavier than air, can displace atmospheric oxygen.	<p><b>Soil Gas</b></p> <p><b>5.1-14.</b> The County Building and Safety, as defined in Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned or idle oil or gas well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2008 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports (Draft EIR, Appendix 5.1) shall be implemented. (Parcels 10R, FF, and 9U hotel project only)</p>	Field inspection	Public Works and Building and Safety County Geologist	During construction
The project site is not located on expansive soils; however, any import material should be tested for expansion potential prior to importing.	<p><b>5.1-15.</b> All recommendations included in the Group Delta Consultants report (Draft EIR, Appendix 5.1, Section 4.0, pages 6-20) (Parcels 10R and FF) and the Van Beveren &amp; Butelo report (Draft EIR, Appendix 5.1, pages 14-35) (Parcel 9U hotel project only).</p>	Field inspections	Building and Safety	On going during construction
	<p><b>5.1-18.</b> There are several existing pole foundations on the site. Where the foundations are in the building area, they shall be cut off at least 5 feet below the bottom of the proposed mat or the proposed pile caps. (Parcel 9U hotel project only)</p>	Field inspections	Building and safety	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	<p><b>5.1-19.</b> A program of in-situ densification to improve the density of the granular estuary deposits to a minimum N-value of 20 shall be employed. Densification could be accomplished using stone-columns, where a vibrating probe is inserted into the ground and the densified soils are replaced with gravel. Van Beveren &amp; Butelo anticipate that the probes will need to be spaced between 6 and 12 feet on centers of achieve the required minimum N-values. The densification should be performed throughout the estuary deposits to the surface of the dense sand and gravel, which was encountered in the explorations between Elevation -25 and -37 feet or 26 to 38 feet below the lowest parking level.</p> <p>The densification should be performed within the entire area of the tower and conference center and 15 beyond the building footprints in plan. If there is not sufficient space to permit the densification beyond the buildings, the Van Beveren &amp; Butelo recommend that the soils within the building area be confined using a soil-cement column, where the on-site soils are mixed in place with cement to create a confinement around the site's perimeter. The soil-cement columns could be located on the property line.</p> <p>The densification will need to be evaluated by a test program using cone penetration tests (CPT). Van Beveren &amp; Butelo recommend that the ground improvement program be initiated on a test area of about 50 square feet. After the initial ground improvement effort, the results should be evaluated using a CPT and the spacing of the probes be adjusted. (Parcel 9U hotel project only)</p>			
	<p><b>5.1-20.</b> Foundations for the hotel/timeshare tower should extend through the existing fill and estuary deposits and into the underlying dense sand and gravel. Driven piles could be used, but the noise associated with pile driving may be a problem in this residential neighborhood. Auger-cast piles could be used as an option to the</p>			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	driven piles. Each method is described in detail in the Van Beveren & Butelo report ( <b>Appendix 5.1</b> ). Van Beveren & Butelo also recommend a mat foundation and specific retaining wall specifications that shall be integrated into the design of the conference center. These specifications can also be found in <b>Appendix 5.1</b> . (Parcel 9U hotel project only)			
	<b>5.1-21.</b> Any import material shall be tested for expansion potential prior to importing. (Parcel 9U hotel project only)			
	<b>5.1-22.</b> Expansion index tests shall be performed at the completion of grading if silty subgrade soils are exposed to verify expansion potential. (Parcel 9U hotel project only)			
	<b>5.1-23.</b> Any additional recommendations pertinent to expansive soils shall be carried out in accordance with the recommendations of the Van Beveren & Butelo Report, October 23, 2006. (Parcel 90 hotel project only)			
<b>NOISE</b>				
Construction activity would occur as close as 50 feet from existing noise sensitive residential uses located east of the project site. Uses at these locations could experience noise levels that reach 94 A-weighted decibels (dB(A)) for short time periods. Construction	<b>5.2-1.</b> All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as a plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residences. The sound walls shall be continuous with no breaks, and shall be of such height to	The applicant shall submit an equipment log to ensure the equipment is properly maintained.	Department of Public Works Building and Safety	Log submitted quarterly and during field inspections

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<p>activity on the project site would also occur as close as 125 feet from existing residential uses located west of the project site along Via Marina, resulting in noise levels of up to 85 dB(A) at these sensitive receptors. These could be temporarily exposed to exterior noise levels that could exceed the County's Noise Control Ordinance standards for construction equipment noise. Therefore, construction noise is considered a temporary significant impact.</p> <p>Noise sensitive land uses are located along the haul route, which are primarily residential in nature. Uses within 50 feet of the haul route could experience temporary noise events ranging from 83 to 88 dB(A) from trucks, which exceeds County standards. Therefore, a</p>	<p>break the line-of-sight to the first floor occupants of the nearby residences.</p>			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
temporary significant impact would result from trucks traveling to and from the project site along the haul route.				
	<p><b>5.2-2.</b> All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 7:00 AM to 7:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.</p>	Field inspection	Building and Safety	On going during construction
	<p><b>5.2-3.</b> The project applicant shall post a notice at the construction site that shall contain information on the type of project and anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.</p>	Field inspection	Building and Safety	On going during construction
Because the use of pile driving equipment is required for foundation construction, vibration impacts that would occur are considered significant and	<p><b>Vibration Impacts</b></p> <p><b>5.2-4.</b> To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving. (Parcels 10R, FF, 9U hotel project, and public-serving boat space project only)</p>	Field inspection	Building and Safety and Public Health	On going during construction



Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
unavoidable, but temporary in nature.	5.2-5. A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures. (Parcels 10R, FF, 9U hotel project, and public-serving boat space project only)			
<b>HYDROLOGY AND DRAINAGE</b>				
During construction, landside demolition of the existing apartment complex (Parcel 10R) and parking lot (Parcel FF), grading/excavation operations and project construction could result in increased water and wind erosion and a potential for the discharge of sediment to the small-craft harbor during storm events. Increased sedimentation could result in a significant erosion and sedimentation impact unless mitigated. Additionally, temporary de-watering systems for the proposed partially subterranean parking	5.3-1. A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits. (Parcels 10R, FF, and 9U hotel project only)	The applicant shall submit a final drainage plan and final grading plan	Department of Public Works	Prior to issuance of demolition and grading permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<p>garages also have the potential to discharge sediments from excavation areas directly to the small-craft harbor unless mitigated. Project applicant(s) would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for Parcels 10R, FF, and 9U pursuant to the National Pollutant Discharge Elimination System (NPDES) that would identify the various Best Management Practices (BMPs) that would be implemented at the construction site.</p>				
<p>While the project would result in a modest reduction in the number of available spaces, thereby reducing the potential for such contaminants to enter the small-craft harbor, any contribution to the degradation of water</p>	<p><b>Marine Activity Impacts</b></p> <p><b>5.3-2.</b> Small-craft harbor lease agreements for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises. (Parcel 10R only)</p>	<p>Implementation of boat slip sublease agreements by the applicant</p>	<p>County Beaches and Harbors, Harbor Patrol</p>	<p>Throughout the life of the project</p>

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
quality in the small-craft harbor would represent a significant impact if unmitigated.				
<b>AIR QUALITY</b>				
Demolition, Excavation and Construction Impacts The emissions associated with concurrent demolition, excavation and grading and construction of all the project components would exceed the South Coast Air Quality Management District (SCAQMD) emission thresholds of significance during the construction phase for carbon monoxide (CO), oxides of nitrogen (NOX), and volatile organic compounds (VOC), as well as cause localized significant ambient air quality impacts for particulate matter less than 10	<p>5.4-1. Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:</p> <ul style="list-style-type: none"> <li>a. Configure construction parking to minimize traffic interference.</li> <li>b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).</li> <li>c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.</li> <li>d. Reroute construction trucks away from congested streets.</li> <li>e. Consolidate truck deliveries when possible.</li> <li>f. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.</li> <li>g. Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.</li> <li>h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.</li> </ul>	The applicant shall submit a construction management plan to ensure minimal construction activity impact.	Department of Public Works	Prior to issuance of a grading permit and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<p>microns in diameter (PM10), particulate matter less than 2.5 microns in diameter (PM2.5), and NOX. If only one of these project components were constructed at a time, the emissions would still exceed these significance thresholds, and the construction phase would cause significant short-term air quality impacts.</p>	<p>i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators. flow (e.g., flag person).</p> <p>j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.</p> <p>k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices. (Parcels 10R, FF, 9U only)</p> <p>Mitigation measures 5.4-4, 5.4-7, 5.4-9 are the same as 5.4-1 but for the individual project components.</p>			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	<p><b>5.4-2.</b> Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:</p> <ul style="list-style-type: none"> <li>a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).</li> <li>b. Replace ground cover in disturbed areas as quickly as possible.</li> <li>c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.</li> <li>d. Water active grading sites at least twice daily (SCAQMD Rule 403).</li> <li>e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.</li> <li>f. Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.</li> <li>g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.</li> <li>h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available). (Parcels 10R, FF, 9U only)</li> </ul> <p>Mitigation measures 5.4-5, 5.4-8, and 5.4-10 are the same as 5.4-2 but for</p>	The applicant shall submit a dust control plan to alleviate dust emissions. Field inspection	County of Los Angeles Department of Public Health and Building and Safety	Prior to issuance of a grading permit and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	the individual project components.			
Demolition of the	5.4-3. In the event asbestos is identified within existing on-site	The applicant shall submit	Building and	During

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
existing structures constructed in the 1960s would be a potential hazard if the buildings contained asbestos fibers.	structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant. (Parcel 10R only)  Mitigation measure 5.4-6 is the same as 5.4-3 but is specific for the Parcel 10R Neptune Marina Apartment component.	an asbestos removal plan, if asbestos is discovered, prior to demolition of existing structures.	Safety	demolition
The project would generate GHG emissions, which would contribute to potential cumulative impacts of GHG emissions on global climate. These are not considered to be cumulatively considerable impacts.	<p><b>Global Climate Change</b></p> <p><b>5.4-11.</b> The project shall achieve energy efficiency equivalent to the California Energy Commission Tier II building energy use standards.</p> <p><b>5.4-12.</b> The project applicant shall recycle and/or salvage for reuse a minimum of 65 percent of non-hazardous construction and demolition debris by weight.</p> <p><b>5.4-13.</b> The project applicant shall use drought-tolerant landscaping from an approved plant list provided by the lead agency, County of Los Angeles, or other agency.</p> <p><b>5.4-14.</b> The project applicant shall install a smart irrigation controller for any area of the lot that is either landscaped or designated for future landscaping. The project applicant shall ensure landscaped areas comply with all requirements within Title 22 Part 21 of Chapter 22.523.</p> <p><b>5.4-15.</b> The project applicant shall install high-efficiency toilets (maximum 1.28 gallons/flush) when tank-type toilets are installed.</p> <p><b>5.4-16.</b> The project applicant shall provide sufficient interior and exterior bicycle parking facilities at residential components of the project. The project applicant will also provide residents and hotel guests with information regarding local and regional public transportation services.</p>	The applicant shall incorporate compliance with the County Green Building Ordinance with final project design plans	Building and Safety	Prior to issuance of building permit.

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<b>BIOTA</b>				
Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the removal of the existing pilings and placement of the new pilings for up to 185 new boat spaces. This impact is considered potentially significant due to (1) the reported use of the water area by the Endangered brown pelican and California least tern; and (2) the re-suspension of contaminants within the sediments at the site. Anchoring of work vessels would be expected to further the aforementioned re-suspension and increase the area potentially affected by the sediment.	<p><b>5.5-1.</b> Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small-craft harbor.</p> <p>Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in-place the piles are extracted. During this process turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a seiche disk) at which time the sediment collar is removed.</p> <p>Details shall be provided to and approved by RWQCB Los Angeles Region staff prior to construction. (Parcel 10R and public-serving boat space project only)</p> <p><b>5.5-2.</b> In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts.</p> <p>Place impervious barriers (i.e., hay bales) around the perimeter of all on-shore areas of exposed dirt. Grade the dirt to provide for drainage away from the small-craft harbor. (Parcel 10R and public-serving boat space project only)</p> <p><b>5.5-3.</b> Waterside development and construction activities will be</p>	The applicant shall incorporate BMP for sedimentation control as part of the NPDES compliance.	Department of Public Works and Regional Water Quality Control Board	Prior to issuance of demolition and grading permits
		Qualified biologist to monitor construction activities	Department of Regional Planning	During construction



Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, except nesting migratory birds when found nesting in project area landscape trees.	<p>curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat. (Parcel 10R and public-serving boat space project only)</p> <p><b>5.5-4</b> To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5 and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. (Parcel 10R, FF, 9U hotel project, and public-serving boat space project only)</p>	Qualified biologist to monitor construction activities and provide pre-construction nesting bird survey	Department of Regional Planning and Public Works	Prior to and during construction
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, with the exception of black-	<p><b>5.5-5</b> During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on</p>	Qualified biologist to monitor construction activities	Department of Regional Planning	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
crowned night-heron and snowy egret when found nesting in project area landscape trees.	<p>these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. (Parcel 10R, FF, 9U hotel project, and public-serving boat space project only)</p>			
	<p>In addition, the project would incorporate the following additional measures to ensure impacts are minimized:</p> <ul style="list-style-type: none"> <li>• The project biologist shall survey areas within three hundred feet of the Project site and the median of Via Marina and Marquesas Way and shall apply the above mitigation measures, as well as the additional measures described below, to any nests in this area.</li> <li>• The project biologist shall possess noise-monitoring equipment or work in conjunction with a noise-monitoring consultant to measure noise levels at active nesting sites.</li> <li>• The project biologist (or noise monitoring consultant, if required) shall be present at all weekly construction meetings and during all activities anticipated to generate noise over a threshold of 85 dB at any nest site. If the monitor observes any nesting bird behaviors that indicate noise disturbance, the biologist shall have the authority to stop work until additional measures can be taken to avoid further disturbance.</li> <li>• As a guideline, noise levels from construction, measured at the nest, should not exceed 85 dB. If the biologist determines that nesting bird behavior can withstand greater noise levels, construction shall continue with greater noise levels but the biologist shall monitor bird behavior and noise levels to provide to the County upon request.</li> <li>• If stress behaviors are observed in nesting birds in response to</li> </ul>	Qualified biologist to monitor construction activities	Department of Regional Planning	Prior to and during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	<p>construction activity, the biologist shall be authorized to call for additional noise control measures, as necessary, until nesting bird stress behaviors cease.</p> <ul style="list-style-type: none"> <li>Construction staging areas or equipment should not be located under any nesting trees.</li> <li>Construction employees should be prohibited from bringing pets (e.g., dogs and cats) to the construction site.</li> <li>Any lights used at the construction site should be shielded downward. (Parcel 10R, FF, 9U hotel project, and public-serving boat space project only)</li> </ul>			
<b>VISUAL QUALITY</b>				
The height and mass of the proposed Woodfin Suite Hotel and Timeshare Resort Project from Viewing Locations One, Two, and Three, would be out-of-character with surrounding land uses. As such, impacts are considered significant and mitigation is required..	<p><b>5.6-1.</b> A deed restriction shall be placed of the southern portion of Parcel 9U requiring that the wetland park be retained as natural open space. (Parcel 9U hotel project only)</p> <p><b>5.6-2.</b> On the street level of the project landscaping to the satisfaction of the County of Los Angeles Design Control Board shall be implemented to reduce visual impacts of the project when viewed from this location. Further, if approved by the Design Control Board, areas of landscaping shall be included on terraces and balconies that could be incorporated into the design of the hotel structure and associated parking structure. (Parcel 9U hotel project only)</p> <p><b>5.6-3.</b> Articulation and variations in color or building materials could be incorporated into the lower levels of the hotel and parking structure. These actions would reduce visual resource impacts on Via Marina. (Parcel 9U hotel project only)</p>	<p>Recordation of deed restriction over Parcel 9U for wetland park</p> <p>Approval of landscape and final design plans</p>	Department of Regional Planning	Prior to issuance of building permit
<b>TRAFFIC/ACCESS</b>				

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<p>The project is expected to generate approximately 3,104 net new trips per day. Of this total, an estimated 253 trips would occur during the morning peak hour, and 228 new trips would occur during the evening peak hour. These new trips would be added to the project area roadway network once the existing development is removed and the proposed project is completed and fully occupied. The incremental project traffic would significantly impact the (LOS) forecasts during the PM peak hours at three of the study intersections, Admiralty Way and Via Marina, Washington Blvd. at Ocean Avenue and Via Marina, and Admiralty Way and Mindanao Way. During the AM</p>	<p>5.7-1. Through the implementation of area traffic improvement measures recommended in the adopted Marina del Rey Specific Plan Transportation Improvement Program (TIP) project (i.e., existing + ambient growth + project) traffic related impacts would be reduced to a less than significant level. Based on the expected net project trip generation of 228 PM peak hour trips, the project would be required to pay \$1,297,320 in trip mitigation fees (\$716,940 attributable to Legacy Partners and \$580,380 attributable to Woodfin). A portion of these fees is designated toward the Category 3 (regional) transportation improvements. (Parcel 10R and FF (\$716,940) and Parcel 9U hotel project (\$580,380) only).</p>	<p>Submittal of plan review</p>	<p>Department of Public Works</p>	<p>Prior to construction</p>

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
peak hour only the Admiralty Way/Mindanao intersection would be significantly affected.				
<b>Cumulative Impacts</b> The results of the cumulative development analysis show that the potential additional traffic resulting from area-wide development would significantly impact 12 of the 17 study intersections, resulting in several locations nearing or exceeding capacity. The proposed project would also contribute incrementally to these cumulative impacts.	The intersection improvement measures recommended to address these cumulative traffic impacts, consistent with the detailed specific intersection improvement measures in the December 2007 Traffic Analysis prepared by Crain and Associates, include the intersections of: <ul style="list-style-type: none"> <li>Admiralty Way and Via Marina</li> <li>Washington Boulevard and Via Marina/Ocean Avenue</li> <li>Admiralty Way and Palawan Way</li> <li>Washington Boulevard and Palawan Way</li> <li>Lincoln Boulevard and Washington Boulevard</li> <li>Lincoln Boulevard and Marina Expressway (SR-90) –</li> <li>Lincoln Boulevard and Bali Way</li> <li>Lincoln Boulevard and Mindanao Way</li> <li>Lincoln Boulevard and Fiji Way</li> <li>Admiralty Way and Bali Way</li> <li>Admiralty Way and Mindanao Way</li> <li>Marina Expressway (SR-90) Eastbound and Mindanao Way (Parcels 10R, FF, and 9U hotel project only)</li> </ul>	The applicant shall pay fees to the transportation improvement fund.	Department of Public Works	Prior to construction
<b>SEWER SERVICE</b>				
The proposed development would generate an increase demand for sewage.	<b>5.8-1.</b> Prior to issuance of building permits, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants shall demonstrate sufficient sewage capacity for the proposed project by providing a “will serve” letter from LACDPW’s Sewer	The applicant shall submit a will serve letter from the Department of Public Works, Sewer Maintenance Division	Department of Public Works, Sewer Maintenance Division	Prior to the issuance of building permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	Maintenance Division. (Parcels 10R, FF, and 9U hotel project only)			
<b>WATER SERVICE</b>				
The proposed development of the project would increase the demand for water in the project area.	<p>5.9-1. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area. (Parcels 10R, FF, and 9U Hotel Project only)</p>	The applicant shall submit a landscape plan	Department of Regional Planning	During plan check
Implementation of MWD 25-year comprehensive Integrated Water Resources Plan (IRP)	<p>5.9-2. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall incorporate into the building plans water conservation measures as outlined in the following items:</p> <ul style="list-style-type: none"> <li>• Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;</li> <li>• Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixtures; and</li> <li>• Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water. (Parcels 10R, FF, and 9U Hotel Project only)</li> </ul>	The applicant shall submit building plans incorporating water conservation methods	Department of Public Works	Prior to the issuance of building permit
	<p>5.9-3. Prior to the issuance of grading permits, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicant shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration. (Parcels 10R, FF, and 9U Hotel Project only)</p>	The applicant shall submit water service letter from Waterworks District No. 29 of ability to provide sufficient water supply	Department of Regional Planning	Prior to the issuance of grading permit

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
<b>SOLID WASTE SERVICE</b>				
Demolition of the existing structures would generate construction debris.	<p><b>5.10-1.</b> The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The <b>W5.10-1.</b> The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.</p>	The applicant shall submit a Recycling and Reuse Plan	Department of Public Works	Prior to issuance of demolition and grading permits
During project operation, The Neptune Marina Apartments and Anchorage/Woodfin Hotel Suite and Timeshare Resort project would generate a net increase of solid waste generation.	<p><b>5.10-2.</b> To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.</p>	The applicant shall submit a solid waste management plan.	Department of Public Works	Prior to issuance of demolition and grading permits
Hazardous materials	<p><b>5.10-3.</b> If hazardous materials are encountered during demolition, the</p>	The applicant shall submit	Department of	Prior to

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
could be encountered during demolition of Parcels 10R and FF.	Neptune Marina Project Parcel 10R applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County. (Parcels 10R and FF only)	a contract with a hazardous material handler as required.	Public Works	issuance of building permit
<p style="text-align: center;"><b>EDUCATION</b></p> <p><b>Cumulative Impacts</b> A total of approximately 2,069 students would be generated by cumulative development within the attendance boundaries of the schools serving the project site. Without mitigation, the cumulative impact of the Neptune Marina Project and other related projects would be considered significant because the number of additional students would exceed existing capacity at the elementary, middle and high schools and would place additional demands on services and facilities at all three</p>				
	As with the proposed project, the applicants of the related projects would be required to pay state-mandated developer fees to the LAUSD. According to Section 65995 of the Government Code, payment of the developer fees is deemed to be "full and complete mitigation" for school facility impacts. Payment of such fees by the proposed project and related projects would ensure that the cumulative impacts on school services would be less than significant. (Parcels 10R and FF only)	Applicant for residential apartments to pay developer fees to school district	Los Angeles Unified School District	Prior to issuance of certificate of occupancy



Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
area schools.				
<b>POLICE PROTECTION</b>				
<p><b>Construction Impacts</b></p> <p>Site development and construction would normally not require services from the County Sheriff's Department, except in the cases of trespass, theft, and/or vandalism. Implementation of standard construction-traffic control procedures such as flagmen and signage would further reduce any potential impact. Additionally, construction-related impacts to the County Sheriff's Department, including Harbor Patrol services, will be less than significant. Given the temporary nature of construction-related activities, this potential impact is considered</p>	<p><b>5.12-1.</b> Prior to construction, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall install navigational aids such as buoys and lights as defined by the US Coast Guard to ensure safe access within all channels of the small-craft harbor. (Parcel 10R only)</p> <p><b>5.12-2.</b> As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the project.</p> <p><b>5.12-3.</b> During construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12.08 and 12.12 Los Angeles County Code).</p> <p>Mitigation measure 5.12-4 is the same as 5.12-1 but for Component 1 on Parcel 10R. Mitigation measures 5.12-5, 5.12-7, 5.12-9, 5.12-11 and 5.12-13 are the same as 5.12-2 but for the individual project components. Mitigation measures 5.12-6, 5.12-8, 5.12-10, 5.12-12 and 5.12-14 are the same as 5.12-3 but for the individual project components.</p>	<p>The applicant shall submit site design to the County Sheriff's Department</p>	<p>County Sheriff's Department</p>	<p>Prior to issuance of demolition and grading permits</p>

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
less than significant				
<b>FIRE PROTECTION</b>				
<b>Construction Impacts</b> During construction, a large amount of wood framing and other flammable construction materials would be present on the project site(s). In addition, construction traffic would occur on and near the project site during working hours due to commuting construction workers, trucks and other large construction vehicles that would increase traffic volumes during the AM peak hour and potentially slow emergency response times. However, no significant impacts will occur with implementation of standard County safety measures.	<p><b>5.13-1.</b> Applicants associated with the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall submit and have approved by the County of Los Angeles Fire Department, a Fire Safe Plan. The Fire Safe Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans, defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval. (Parcels 10R, FF, and 9U hotel project only)</p> <p><b>5.13-2.</b> During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department. (Parcels 10R, FF, and 9U hotel project only)</p> <p><b>5.13-3.</b> Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval. (Parcels 10R, FF, and 9U hotel project only)</p> <p><b>5.13-4.</b> The development of this project shall comply with all</p>	The applicant shall submit a Fire Safe Plan	County of Los Angeles Fire Department	Prior to issuance of building permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	<p>applicable code and ordinance requirements for access, water mains, fire flows, and fire hydrants. (Parcels 10R, FF, and 9U hotel project only)</p> <p>Mitigation measure 5.13-5 and 5.13-9 are the same as 5.13-1 but for the individual project components. Mitigation measures 5.13-6 and 5.13-10 are the same as 5.13-2 but for the individual project components. Mitigation measures 5.13-7 and 5.13-11 are the same as 5.13-3 but for the individual project components. Mitigation measures 5.13-8 and 5.13-12 are the same as 5.13-4 but for the individual project components.</p>			
<p style="text-align: center;"><b>LIBRARY SERVICES</b></p>				
<p><b>Construction Impacts</b> Construction activities associated with the project would not result in library impacts.</p> <p><b>Operation Impacts;</b> <b>Level of Service</b> The Lloyd Taber - Marina del Rey Library is large enough to accommodate an additional 7,339 residents and can, therefore, accommodate the increased residential population from the project.</p> <p><b>Operational Impacts;</b> <b>Funding</b></p>	<p><b>5.14-1.</b> The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued (\$772.00 per residential unit as of July 1, 2007) for the total of all new units (526 units). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project. (Parcels 10R and FF only)</p>	<p>Applicant for residential apartments to pay library mitigation impact fee to County Librarian</p>	<p>Los Angeles County Librarian</p>	<p>Prior to issuance of certificate of occupancy</p>

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
The proposed project will be responsible for payment of the library mitigation impact fee. Payment of this fee would constitute full mitigation, and impacts to library services would be less than significant.				